

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**HEATHER KIERNAN,
Plaintiff,**

v.

**ARMORED MOTOR SERVICES OF
AMERICA, INC. and FRANCISCO
CIAMBRIELLO,
Defendants.**

Civil Action No. 10131

JOINT STATUS REPORT

Pursuant to the Court's Order on August 16, 2005, the parties hereby submit the following status report:

I. Mediation

All parties have agreed to participate in a mediation. The parties are in the process of exchanging the names of mediators and anticipate that a mutually acceptable mediator will be selected by the parties by October 31, 2005 and that a mediation will be held by December 31, 2005.

II. Discovery

Discovery closed on September 2, 2005. At the status conference held on August 16, 2005, the Court directed that Defendants would be permitted to re-open the depositions of Plaintiff and John Kiernan outside of the discovery period for the purpose of questioning these witnesses on the multiple restraining orders that had been filed by Plaintiff against John Kiernan and by John Kiernan against Plaintiff.

The restraining orders were produced by Plaintiff to Defendant in August pursuant to a Court Order compelling their production.

The continued deposition of John Kiernan occurred on October 3, 2005. Based on information Defendant learned from John Kiernan at that deposition, Defendant now believes it is necessary to take the depositions of Kathy Demers and Daniels Demers, the Plaintiff's parents and sought to have Plaintiff's assent to a motion to allow these depositions to proceed outside the close of discovery. Plaintiff indicated that she would not assent and objects to these individuals being deposed outside the discovery period (as well as on the basis of relevancy). Defendant AMSA intends to file an unassented to motion with the Court seeking permission to take those depositions.

The continued deposition of Heather Kiernan has not yet been scheduled. The delay in scheduling her deposition has been conflicts in counsels' schedules. The

parties anticipate that Plaintiff's continued deposition will be scheduled and completed by the end of November.

Respectfully submitted,

HEATHER KIERNAN,

ARMORED MOTOR SERVICES
OF AMERICA,

By her attorney,

By its attorney,

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